

1 **VOTING AND VOTER RESIDENCY AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel W. Thatcher**

5 House Sponsor: Calvin R. Musselman

7 **LONG TITLE**

8 **Committee Note:**

9 The Government Operations Interim Committee recommended this bill.

10 Legislative Vote: 12 voting for 0 voting against 2 absent

11 **General Description:**

12 This bill amends elections provisions, including residency provisions for voting and
13 running for office and provisions relating to uniformed and overseas voters.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms;
- 17 ▶ amends and clarifies provisions for determining residency;
- 18 ▶ establishes standards and requirements for determining residency;
- 19 ▶ addresses evidence of residency and challenges to residency;
- 20 ▶ modifies provisions relating to uniformed and overseas voters to:
 - 21 • comply with federal law and certain provisions of state law; and
 - 22 • clarify the races for which, and the types of ballots which, certain overseas
- 23 voters may vote; and
- 24 ▶ makes technical and conforming changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-2-105**, as last amended by Laws of Utah 2021, Chapter 183

32 **20A-16-102**, as last amended by Laws of Utah 2021, Chapter 93

33 **20A-16-103**, as enacted by Laws of Utah 2011, Chapter 327

34 **20A-16-201**, as enacted by Laws of Utah 2011, Chapter 327

35 **20A-16-301**, as enacted by Laws of Utah 2011, Chapter 327

36 **20A-16-302**, as last amended by Laws of Utah 2013, Chapter 198

37 **20A-16-401**, as last amended by Laws of Utah 2020, Chapter 31

38 **20A-16-402**, as last amended by Laws of Utah 2013, Chapter 198

39 **20A-16-403**, as last amended by Laws of Utah 2019, Chapter 255

40 **20A-16-405**, as enacted by Laws of Utah 2011, Chapter 327

41 **20A-16-501**, as last amended by Laws of Utah 2021, Chapter 100

42 **20A-16-502**, as last amended by Laws of Utah 2012, Chapter 369

43 **20A-16-503**, as enacted by Laws of Utah 2011, Chapter 327

44 REPEALS:

45 **20A-16-101**, as enacted by Laws of Utah 2011, Chapter 327



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **20A-2-105** is amended to read:

49 **20A-2-105. Determining residency.**

50 (1) As used in this section:

51 (a) "Principal place of residence" means the single location where ~~[a person's]~~ an
52 individual's habitation is fixed and to which, whenever the ~~[person]~~ individual is absent, the
53 ~~[person]~~ individual has the intention of returning, as evidenced by:

54 (i) the intent expressed by the individual; and

55 (ii) acts of the individual that are consistent or inconsistent with the intent expressed by
56 the individual.

57 (b) "Resident" means ~~[a person]~~ an individual whose principal place of residence is
58 within a specific voting precinct in Utah.

59 (2) Election officials and judges shall apply the standards and requirements of this
 60 section when determining whether ~~[a person]~~ an individual is a resident for purposes of
 61 interpreting this title or the Utah Constitution.

62 (3) An individual may request that an election official or election judge assist the
 63 individual in determining the individual's principal place of residence for a purpose described
 64 in Subsection (2).

65 ~~[(3)]~~ (4) (a) ~~[A person]~~ An individual resides in Utah if:

66 (i) the ~~[person's]~~ individual's principal place of residence is within Utah; and

67 (ii) the ~~[person]~~ individual has a present intention to maintain the ~~[person's]~~
 68 individual's principal place of residence in Utah permanently or indefinitely.

69 (b) ~~[A person]~~ An individual resides within a particular voting precinct if, ~~[as of]~~ on
 70 the date of registering to vote, the ~~[person's]~~ individual's principal place of residence is in that
 71 voting precinct.

72 (c) ~~[A person's]~~ An individual's principal place of residence does not change solely
 73 because the ~~[person]~~ individual is present in Utah, present in a voting precinct, absent from
 74 Utah, or absent from the ~~[person's]~~ individual's voting precinct because the ~~[person]~~ individual
 75 is:

76 (i) employed in the service of the United States or of Utah;

77 (ii) a student at an institution of learning;

78 (iii) incarcerated in prison or jail; or

79 (iv) residing upon an Indian or military reservation.

80 (d) (i) A member of the armed forces of the United States is not a resident of Utah
 81 merely because that member is stationed at a military facility within Utah.

82 (ii) In order to be a resident of Utah, a member of the armed forces described in this
 83 Subsection ~~[(3)(d)]~~ (4)(d) shall meet the other requirements of this section.

84 (e) (i) Except as provided in Subsection ~~[(3)(e)(ii) or (iii)]~~, ~~a person has not lost the~~
 85 ~~person's~~ (4)(e)(ii) or (iii), an individual does not lose the individual's principal place of
 86 residence in Utah or a precinct if ~~[that person]~~ the individual moves to a foreign country,
 87 another state, or another voting precinct within Utah, for temporary purposes with the intention
 88 of returning.

89 (ii) If ~~[a person]~~ an individual leaves the state or a voting precinct and votes or registers

90 to vote in another state or voting precinct, the [person] individual is no longer a resident of the
 91 state or voting precinct that the [person] individual left.

92 (iii) ~~[A person loses the person's]~~ An individual loses the individual's principal place of
 93 residence in Utah or in a precinct, if, after the [person] individual moves to another state or
 94 another precinct under Subsection [(3)(e)(i)] (4)(e)(i), the [person] individual forms the intent
 95 of making the other state or precinct the [person's] individual's principal place of residence.

96 (f) ~~[A person]~~ An individual is not a resident of a county or voting precinct if ~~[that~~
 97 ~~person]~~ the individual comes to the county or voting precinct for temporary purposes and does
 98 not intend to make that county or voting precinct the [person's] individual's principal place of
 99 residence.

100 (g) ~~[A person loses the person's]~~ An individual loses the individual's principal place of
 101 residence in Utah or in a precinct if the [person] individual moves to another state or precinct
 102 with the intention of making the other state or precinct the [person's] individual's principal
 103 place of residence.

104 (h) If ~~[a person]~~ an individual moves to another state or precinct with the intent of
 105 remaining ~~[there]~~ in the other state or precinct for an indefinite time as the ~~[person's]~~
 106 individual's principal place of residence, the [person loses the person's] individual loses the
 107 individual's principal place of residence in Utah, or in the precinct, even though the [person]
 108 individual intends to return at some future time.

109 (5) (a) An individual may challenge a determination by a voter, election official, or
 110 election judge of a voter's principal place of residence, for the purpose of voting, in accordance
 111 with the applicable provisions of Sections [20A-3a-803](#), [20A-3a-804](#), and [20A-3a-805](#).

112 (b) If an election official or election judge has reasonable, articulable grounds to
 113 question the principal place of residence of an individual for a purpose described in Subsection
 114 (2), the election official or election judge may require the individual to provide information to
 115 resolve the question.

116 (c) The following create per se reasonable, articulable grounds to question an
 117 individual's principal place of residence, and require additional information under Subsection
 118 (5)(b):

119 (i) the individual has a driver license or other identification from outside Utah;

120 (ii) the address claimed as the individual's principal place of residence does not match

121 the address on the individual's driver license or other identification; or

122 (iii) the individual owns residential property outside the location claimed as the
123 individual's principal place of residence.

124 ~~[(4)]~~ (6) ~~[An]~~ Subject to Subsection (10), an election official or judge ~~[shall, in~~
125 ~~determining a person's]~~ who, under Subsection (5), makes a determination regarding an
126 individual's principal place of residence, shall, when making the determination, consider the
127 following factors, to the extent that the ~~[election official or judge determines the]~~ factors ~~[to~~
128 ~~be]~~ are relevant:

129 (a) where the ~~[person's]~~ individual's family resides;

130 (b) whether the ~~[person]~~ individual is single, married, separated, or divorced;

131 (c) the age of the ~~[person]~~ individual;

132 (d) where the ~~[person]~~ individual usually sleeps;

133 (e) where the ~~[person's]~~ individual's minor children attend school;

134 (f) the location of the ~~[person's]~~ individual's employment, income sources, or business
135 pursuits;

136 (g) the location of real property owned by the ~~[person]~~ individual;

137 (h) the ~~[person's]~~ individual's residence for purposes of taxation or tax exemption;

138 ~~[and]~~

139 (i) the location where the individual's motor vehicles are registered;

140 (j) the address for which the individual pays utility services;

141 (k) the address associated with the individual's hunting or fishing license;

142 (l) the address associated with the individual's professional licenses; and

143 ~~[(i)]~~ (m) other relevant factors.

144 ~~[(5)]~~ (7) (a) ~~[A person has changed the person's]~~ An individual changes the individual's
145 principal place of residence if the ~~[person]~~ individual:

146 (i) acts affirmatively to move from the state or a precinct in the state; and

147 (ii) has the intent to remain in another state or precinct.

148 (b) ~~[A person]~~ An individual may not have more than one principal place of residence.

149 (c) ~~[A person does not lose the person's]~~ An individual does not lose the individual's
150 principal place of residence until the ~~[person]~~ individual establishes another principal place of
151 residence.

152 (d) An individual who moves from one county in Utah to another county in Utah
153 retains the right to vote in the county from which the individual moved for 30 days after the
154 day on which the individual moved from the county, unless the individual votes in the new
155 county for that election.

156 (e) An individual who is homeless may, in accordance with the other provisions of this
157 section, establish a nontraditional location, including a location without a structure, as the
158 individual's principal place of residence.

159 ~~[(6)]~~ (8) In computing the period that a person is a resident~~[, a person shall]~~ for a
160 purpose described in Subsection (2), the period:

161 (a) ~~[include]~~ begins on the day on which the ~~[person]~~ individual establishes the
162 ~~[person's]~~ individual's principal place of residence; and

163 (b) ~~[exclude]~~ ends on the day ~~[of]~~ before the day of the next applicable election.

164 ~~[(7)]~~ (9) (a) Except as provided in Subsection ~~[(10)]~~ (12), there is a rebuttable
165 presumption that ~~[a person's]~~ an individual's principal place of residence is in Utah and in the
166 voting precinct claimed by the ~~[person if the person]~~ individual, if the individual makes an oath
167 or affirmation upon a registration application form or declaration of candidacy that the
168 ~~[person's]~~ individual's principal place of residence is in Utah and in the voting precinct claimed
169 by the ~~[person]~~ individual.

170 (b) Except as provided in Subsection ~~[(10)]~~ (12), the election officers and election
171 officials shall allow ~~[a person]~~ an individual described in Subsection ~~[(7)(a)]~~ (9)(a) to register
172 and vote in the precinct for the residence claimed under Subsection (9)(a), or accept the
173 ~~[person's]~~ individual's declaration of candidacy in the district for the residence claimed under
174 Subsection (9)(a), unless, [upon a challenge by a registrar or some other person] in accordance
175 with Subsection (5), it is shown by law or by clear and convincing evidence that:

176 (i) the ~~[person's]~~ individual's principal place of residence is not in Utah or not in the
177 applicable precinct or district; or

178 (ii) the ~~[person]~~ individual is incarcerated in prison or jail and did not, before the
179 ~~[person]~~ individual was incarcerated in prison or jail, establish the ~~[person's]~~ individual's
180 principal place of residence in the voting precinct where the prison or jail is located.

181 ~~[(8)]~~ (10) (a) The criteria described in this section for establishing ~~[a person's]~~ an
182 individual's principal place of residence for voting purposes do not apply in relation to the

183 ~~[person's]~~ individual's location while the ~~[person]~~ individual is incarcerated in prison or jail.

184 (b) For voting registration purposes, the principal place of residence of ~~[a person]~~ an
185 individual incarcerated in prison or jail is the state and voting precinct where the ~~[person's]~~
186 individual's principal place of residence was located before incarceration.

187 ~~[(9)]~~ (11) If ~~[a person's]~~ an individual's principal place of residence is a residential
188 parcel of one acre in size or smaller that is divided by the boundary line between two or more
189 counties, that ~~[person]~~ individual shall be considered a resident of the county in which a
190 majority of the residential parcel lies.

191 ~~[(10)]~~ (12) (a) If an individual seeking to become a candidate for a political office that
192 includes a durational residency requirement has been absent from the state for a period of more
193 than 180 consecutive days during the applicable residency period, the individual may, at the
194 time that the candidate files a declaration of candidacy, submit evidence to the filing officer to
195 show that the individual intended to return to the state during the time of the individual's
196 absence from the state.

197 (b) There is a rebuttable presumption that an individual described in Subsection
198 ~~[(10)(a)]~~ (12)(a) intended to return to the state during the individual's absence if:

199 (i) the individual submits evidence of the individual's intent to the filing officer at the
200 time that the individual files a declaration of candidacy; or

201 (ii) the individual was absent from the state because the individual was:

202 (A) employed in the service of the United States or of Utah;

203 (B) a student at an institution of learning; or

204 (C) engaged solely in religious, missionary, philanthropic, or humanitarian activities.

205 (c) If a valid written objection to an individual's declaration of candidacy is filed, there
206 is a rebuttable presumption that an individual described in Subsection ~~[(10)(a)]~~ (12)(a) did not
207 intend to return to the state during the individual's absence if:

208 (i) the individual did not submit evidence of the individual's intent to the filing officer
209 at the time that the individual filed a declaration of candidacy; and

210 (ii) the individual's absence from the state was not for one of the reasons described in
211 Subsection ~~[(10)(b)(ii)]~~ (12)(b)(ii).

212 (d) An individual must rebut the presumption described in this Subsection ~~[(10)]~~ (12)
213 by clear and convincing evidence.

214 Section 2. Section **20A-16-102** is amended to read:

215 **20A-16-102. Definitions.**

216 As used in this chapter:

217 [~~(1) "Covered voter" means:~~]

218 [~~(a) a uniformed-service voter or an overseas voter who is registered to vote in the~~
219 ~~state; or]~~

220 [~~(b) a uniformed-service voter whose voting residence is in the state and who otherwise~~
221 ~~satisfies the state's voter eligibility requirements.]~~

222 (1) "Covered voter" means an individual who:

223 (a) satisfies Utah's voter eligibility requirements that do not relate to residency;

224 (b) is not registered to vote in a state other than Utah;

225 (c) is absent from the United States on the day of the election; and

226 (d) (i) is a resident of Utah under Section [20A-2-105](#), but is absent from the United
227 States on election day because the individual:

228 (A) is a uniformed service voter; or

229 (B) temporarily resides outside the United States;

230 (ii) is a foreign United States citizen who:

231 (A) before establishing a principal place of residence outside the United States,
232 established a principal place of residence in Utah; and

233 (B) did not, after leaving Utah, register to vote in a state other than Utah or establish a
234 principal place of residence in a state other than Utah; or

235 (iii) is a foreign United States citizen:

236 (A) who has never registered to vote in a state other than Utah;

237 (B) who has never established a principal place of residence in the United States; and

238 (C) whose parent, legal guardian, spouse, or domestic partner established the parent's,
239 legal guardian's, spouse's, or domestic partner's most recent United States principal place of
240 residence in Utah.

241 (2) "Dependent" means an individual recognized as a dependent by a uniformed
242 service.

243 (3) "Federal postcard application" means the application prescribed under the
244 Uniformed and Overseas Citizens Absentee Voting Act, [~~Sec. 101(b)(2), 42 U.S.C. Sec.~~

245 ~~1973ff(b)(2)]~~ 52 U.S.C. Sec. 20301(b)(2).

246 (4) "Federal write-in absentee ballot" means the ballot described in the Uniformed and
247 Overseas Citizens Absentee Voting Act, [~~Sec. 103, 42 U.S.C. Sec. 1973ff-2~~] 52 U.S.C. Sec.
248 20303(a)(1).

249 (5) "Foreign United States citizen" means a citizen of the United States whose
250 principal place of residence is outside the United States.

251 [~~5~~] (6) "Military-overseas ballot" means:

252 (a) a federal write-in absentee ballot;

253 (b) a ballot specifically prepared or distributed for use by a covered voter in accordance
254 with this chapter; or

255 (c) a ballot cast by a covered voter in accordance with this chapter.

256 [~~6~~] (7) "Overseas voter" means a United States citizen who, on the day of the
257 applicable election, is:

258 (a) voting age; and

259 (b) [~~outside~~] absent from the United States.

260 [~~7~~] (8) "State" means a state of the United States, the District of Columbia, Puerto
261 Rico, Guam, the United States Virgin Islands, or [~~any territory or insular possession subject to~~
262 ~~the jurisdiction of the United States~~] American Samoa.

263 [~~8~~] (9) "Uniformed service" means:

264 (a) active and reserve components of the armed forces as defined in Section [68-3-12.5](#);

265 (b) the Merchant Marine, the commissioned corps of the Public Health Service, or the
266 commissioned corps of the National Oceanic and Atmospheric Administration of the United
267 States; or

268 (c) the National Guard.

269 [~~9~~] (10) "Uniformed-service voter" means an individual who is qualified to vote and
270 is:

271 (a) a member of the active or reserve components of the armed forces who is on active
272 duty;

273 (b) a member of the Merchant Marine, the commissioned corps of the Public Health
274 Service, or the commissioned corps of the National Oceanic and Atmospheric Administration
275 of the United States;

276 (c) a member on activated status of the National Guard; or

277 (d) a spouse or dependent of a member referred to in Subsections ~~[(9)(a) through (c)]~~

278 (10)(a) through (c).

279 ~~[(10)]~~ (11) "United States," when used in the territorial sense, means the several states,

280 the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, and ~~[any~~

281 ~~territory or insular possession subject to the jurisdiction of the United States]~~ American Samoa.

282 Section 3. Section **20A-16-103** is amended to read:

283 **20A-16-103. Application to elections -- Voting by foreign United States citizen.**

284 (1) The voting procedures in this chapter apply to an election authorized by this title.

285 (2) A covered voter who is a foreign United States citizen may only vote in a federal

286 election and may only vote for candidates for federal office.

287 (3) A covered voter described in Subsection 20A-16-102(1)(d)(ii) shall vote in the

288 congressional election for the district where the covered voter established the covered voter's

289 most recent principal place of residence in Utah.

290 (4) A covered voter described in Subsection 20A-16-102(1)(d)(iii) shall vote in the

291 congressional election for the district where the covered voter's parent, legal guardian, spouse,

292 or domestic partner established the parent's, legal guardian's, spouse's, or domestic partner's

293 most recent United States principal place of residence in Utah.

294 Section 4. Section **20A-16-201** is amended to read:

295 **20A-16-201. Duties of lieutenant governor.**

296 The lieutenant governor shall:

297 (1) implement this chapter and the state's responsibilities under the Uniformed and

298 Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. Sec. 1973ff]~~ 52 U.S.C. 20301 et seq.;

299 (2) make available to covered voters information regarding voter registration

300 procedures for covered voters and procedures for casting military-overseas ballots;

301 (3) establish an electronic transmission system through which a covered voter may

302 apply for and receive voter registration materials, military-overseas ballots, and other

303 information under this chapter;

304 (4) (a) develop standardized absentee-voting materials, including privacy and

305 transmission envelopes and electronic equivalents of the envelopes, authentication materials,

306 and voting instructions, to be used with the military-overseas ballot of a voter authorized to

307 vote in any jurisdiction in the state; and

308 (b) to the extent reasonably possible, coordinate with other states on the development
309 required by Subsection (4)(a); and

310 (5) prescribe the form and content of a declaration:

311 (a) for use by a covered voter to swear or affirm specific representations pertaining to
312 the voter's identity, eligibility to vote, status as a covered voter, and timely and proper
313 completion of an overseas-military ballot;

314 (b) that is based on the declaration prescribed to accompany a federal write-in absentee
315 ballot, as modified to be consistent with this chapter; and

316 (c) that is a prominent part of all balloting materials for which the declaration is
317 required, including an indication of the date of execution of the declaration.

318 Section 5. Section **20A-16-301** is amended to read:

319 **20A-16-301. Overseas voter's registration address.**

320 ~~[In]~~ Subject to Section 20A-16-103, in registering to vote, an overseas voter who is
321 eligible to vote in the state shall:

322 (1) use and be assigned to the voting precinct of the address of the last place of
323 residence of the voter in the state; or

324 (2) if the address described in Subsection (1) is no longer a recognized residential
325 address, be assigned an address, for voting purposes, in the applicable voting precinct.

326 Section 6. Section **20A-16-302** is amended to read:

327 **20A-16-302. Methods of registering to vote.**

328 (1) To apply to register to vote, in addition to any other approved method, a covered
329 voter may use a federal postcard application or the application's electronic equivalent.

330 (2) (a) A covered voter may use the declaration accompanying a federal write-in
331 absentee ballot to apply to register to vote simultaneously with the submission of the federal
332 write-in absentee ballot, if the declaration is received ~~[by the Thursday immediately]~~ before the
333 day of the election.

334 (b) If the declaration is received on or after the ~~[Thursday immediately before]~~ day of
335 the election, the declaration shall be treated as an application to register to vote for subsequent
336 elections.

337 (3) (a) The lieutenant governor shall ensure that the electronic transmission system

338 described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard
339 application and any other approved electronic registration application sent to the appropriate
340 election official.

341 (b) The voter may use the electronic transmission system or any other approved
342 method to register to vote.

343 Section 7. Section 20A-16-401 is amended to read:

344 **20A-16-401. Methods of applying for military-overseas ballots.**

345 (1) A covered voter who is registered to vote in the state may apply for a
346 military-overseas ballot:

347 (a) via the federal postcard application;

348 (b) via the federal postcard application's electronic equivalent; or

349 (c) by otherwise making a request in writing.

350 (2) A covered voter who is not registered to vote in this state may use a federal
351 postcard application or the federal postcard application's electronic equivalent to apply
352 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

353 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
354 described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal
355 postcard application and any other approved electronic military-overseas ballot application sent
356 to the appropriate election official.

357 (b) The voter may use the electronic transmission system or any other approved
358 method to apply for a military-overseas ballot.

359 (4) A covered voter may use the declaration accompanying a federal write-in absentee
360 ballot as an application for a military-overseas ballot simultaneously with the submission of the
361 federal write-in absentee ballot, if the declaration is received by the appropriate election official
362 [~~by the Thursday immediately~~] before the day of the election.

363 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
364 election official that the voter is a covered voter by:

365 (a) the use of a federal postcard application or federal write-in absentee ballot;

366 (b) the use of an overseas address on an approved voter registration application or
367 ballot application; or

368 (c) the inclusion on an approved voter registration application or ballot application of

369 other information sufficient to identify the voter as a covered voter.

370 (6) This chapter does not preclude a covered voter from voting via a manual ballot by
371 mail.

372 Section 8. Section **20A-16-402** is amended to read:

373 **20A-16-402. Timeliness and scope of application for military-overseas ballot.**

374 (1) An application for a military-overseas ballot is timely if received [~~by the Thursday~~
375 ~~immediately~~] before the day of the election.

376 (2) An application for a military-overseas ballot for a regular primary election or
377 municipal primary election, whether or not timely, is effective as an application for a
378 military-overseas ballot for the regular general election or municipal general election.

379 Section 9. Section **20A-16-403** is amended to read:

380 **20A-16-403. Transmission of unvoted ballots.**

381 (1) For an election for which the state has not received a waiver pursuant to the
382 Military and Overseas Voter Empowerment Act, [~~Sec. 579, 42 U.S.C. 1973ff-1(g)(2)~~] 52
383 U.S.C. Sec. 20302(g)(2), not later than 45 days before the election or, notwithstanding Section
384 20A-1-104, if the 45th day before the election is a weekend or holiday, not later than the
385 business day preceding the 45th day, the election official in each jurisdiction charged with
386 distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all
387 covered voters who by that date submit a valid military-overseas ballot application.

388 (2) (a) A covered voter who requests that a ballot and balloting materials be sent to the
389 voter by electronic transmission may choose:

390 (i) facsimile transmission;

391 (ii) email delivery; or

392 (iii) if offered by the voter's jurisdiction, Internet delivery.

393 (b) The election official in each jurisdiction charged with distributing a ballot and
394 balloting materials shall transmit the ballot and balloting materials to the voter using the means
395 of transmission chosen by the voter.

396 (3) If a ballot application from a covered voter arrives after the jurisdiction begins
397 transmitting ballots and balloting materials to voters, the official charged with distributing a
398 ballot and balloting materials shall transmit [~~them~~] the ballot and balloting materials to the
399 voter [~~not~~] no later than two business days after the day on which the application arrives.

400 Section 10. Section **20A-16-405** is amended to read:

401 **20A-16-405. Federal write-in absentee ballot.**

402 A covered voter may use a federal write-in absentee ballot to vote for all applicable
403 offices and ballot propositions in an election.

404 Section 11. Section **20A-16-501** is amended to read:

405 **20A-16-501. Use of voter's email address.**

406 (1) An election officer shall request an email address from each covered voter who
407 registers to vote [~~after January 1, 2012~~].

408 (2) An email address provided by a covered voter:

409 (a) is a private record under Section [63G-2-302](#); and

410 (b) may be used only for official communication with the covered voter about the
411 voting process, including transmitting military-overseas ballots and election materials if the
412 voter has requested electronic transmission, verifying the voter's mailing address and physical
413 location, and informing the voter of the status of the voter's ballot in accordance with Section
414 [20A-3a-401.5](#).

415 (3) The request for an email address shall:

416 (a) describe the purposes for which the email address may be used;

417 (b) include a statement that any other use or disclosure of the email address is
418 prohibited; and

419 (c) describe how a voter may sign up to receive ballot status notifications via the ballot
420 tracking system described in Section [20A-3a-401.5](#).

421 (4) (a) A covered voter who provides an email address may request that the covered
422 voter's application for a military-overseas ballot be considered a standing request for electronic
423 delivery of a ballot for all elections held through December 31 of the year following the
424 calendar year of the date of the application or another shorter period the covered voter
425 specifies.

426 (b) An election official shall provide a military-overseas ballot to a covered voter who
427 makes a standing request for each election to which the request is applicable.

428 (c) A covered voter who is entitled to receive a military-overseas ballot for a primary
429 election under this Subsection (4) is entitled to receive a military-overseas ballot for the general
430 election.

431 Section 12. Section **20A-16-502** is amended to read:

432 **20A-16-502. Publication of election notice.**

433 (1) At least 100 days before the day of an election, other than a statewide special
434 election or local special election, and as soon as practicable before a statewide special election
435 or local special election, the election officer shall prepare an election notice for the election
436 officer's jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

437 (2) The election notice must contain:

438 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
439 that date the election officer expects to be on the ballot on the date of the election; and

440 (b) specific instructions for how a covered voter is to indicate on the federal write-in
441 absentee ballot the covered voter's choice for each office to be filled and for each ballot
442 proposition to be contested.

443 (3) (a) A covered voter may request a copy of an election notice.

444 (b) The election officer shall send the notice to the covered voter by facsimile, email,
445 or regular mail, as the covered voter requests.

446 (4) As soon as the ballot is certified, and not later than the date ballots are required to
447 be transmitted to voters under Chapter 3a, Voting, the election officer charged with preparing
448 the election notice under Subsection (1) shall update the notice with the certified candidates for
449 each office and ballot propositions and make the updated notice publicly available.

450 (5) A political subdivision that maintains a website shall make the election notice
451 prepared under this section and updated versions of the election notice regularly available on
452 the website.

453 Section 13. Section **20A-16-503** is amended to read:

454 **20A-16-503. Prohibition of nonsubstantive requirements.**

455 (1) (a) If a covered voter's mistake or omission in the completion of a document under
456 this chapter does not prevent determining whether a covered voter is eligible to vote, the
457 mistake or omission does not invalidate the document.

458 (b) Failure to satisfy a nonsubstantive requirement, [~~such as using~~] including
459 requirements to use paper or envelopes of a specified size or weight, does not invalidate a
460 document submitted under this chapter.

461 (c) In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on

462 a regular ballot, if the intention of the covered voter is discernable under this state's uniform
463 definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in
464 the form of the name of a candidate or a political party is a valid vote.

465 (2) (a) Notarization is not required for the execution of a document under this chapter.

466 (b) (i) An authentication, other than the declaration [~~specified~~] described in Section
467 [20A-16-409](#) or the declaration on the federal postcard application and federal write-in absentee
468 ballot, is not required for execution of a document under this chapter.

469 (ii) The declaration and any information in the declaration may be compared with
470 information on file to ascertain the validity of the document.

471 Section 14. **Repealer.**

472 This bill repeals:

473 Section [20A-16-101](#), Title.